

### **REMARKS**

Claims 1-7, 9, 18 and 20-26 are currently pending in the subject application and are presently under consideration. The below comments present in greater detail distinctive features of applicants' claimed invention over the cited art that were conveyed to the Examiner over the telephone on August 14, 2007.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein.

#### **I. Rejection of Claims 1-7, 9, 18 and 20-26 Under 35 U.S.C. §103(a)**

Claims 1-7, 9, 18 and 20-26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Christiano (US 5,671,412) in view of Microsoft (Microsoft Hails 10 Years of Publisher Charges Toward New Decade With Microsoft Publisher Deluxe, REDMOND, Wash., Oct. 15, 2001 at <http://www.microsoft.com/presspass/press/2001/oct01/10-15TenYearsPublisherPR.msp?pf=true>). Withdrawal of this rejection is requested for at least the following reasons. Christiano and Microsoft, individually or in combination, do not teach or suggest each and every element as set forth in the subject claims.

To reject claims in an application under §103, an examiner must show an un rebutted *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicants' disclosure. See *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicants' claimed invention relates to a license enforcement system and methodology. The system comprises a monitoring component for monitoring use of licensed software applications and detecting variations from their respective licensing agreements in real-time. In particular, independent claim 1 recites *a system for enforcing, adding and transferring licenses to a computer system comprising: a license store that stores licenses and associated data; a*

wizard component; **a license database interface component coupled to the wizard component, that communicates with a license database to provide access to the license database activation codes**, wherein the wizard component provides a graphical user interface **to facilitate communication between the license store and the license database**; and wherein the wizard component **receives an activation code entered by a user to activate a license component**; a monitoring component that monitors and manages valid licenses stored in the license store, the monitoring component utilizes license data from the license store to determine compliance with end user license agreements in real-time and supports a plurality of licensing schemes; an enforcement component that ensures compliance with licensing agreements by taking corrective actions; and a validation component that provides periodic validity checks on the license store to ensure that the license data has not been corrupted. Independent claim 18 recites similar features. Christiano and Microsoft, individually or in combination, fail to teach or suggest such features of the claimed invention.

Christiano discloses a software license management system. A license server provides packages and program licenses and allows several license modifiers to be stored in license records to provide a licensor with a variety of options and flexibility. At page 3 of the Office Action, the Examiner contends that Christiano discloses such novel aspects. Applicants' representative avers to the contrary. In accordance with the claimed subject matter, the licensing system comprises a license store that stores licenses and associated data, and a license database that stores license activation codes that are utilized to activate the licenses. The license activation system allows a customer who has purchased licensed software to register the software by communicating with the system, typing in the license code provided with the purchased software, download activation license components which let the software be installed. At the cited portions, Christiano discloses a license management system that grants a license to a user upon receiving a request for a software product. The system examines license records in a license database to determine whether the requesting user should receive a license for a designated software product. A monitoring system keeps track of a user and warns the user would be violating the license policy in case of a time bound license. However, Christiano is silent regarding **a license database that provides activation codes, an interface to facilitate communication between the license store and the license database and an activation code entered by a user to activate a license component** as recited by the subject claims.

Microsoft discloses wizards that guide a user step-by-step through the set up of any type of document and allow those without formal design training to make use of the application's professional level tools. However, Microsoft does not compensate for the aforementioned deficiencies of Christiano.

From the foregoing, it is clear that Christiano and Microsoft, individually or in combination do not teach or suggest the identical invention as recited in the subject claims. Accordingly, it is requested that this rejection with respect to independent claims 1 and 18 (and the claims that depend there from) should be withdrawn.

### **CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP497US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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